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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 11125-014001	
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.		Application Number 09/668,110	Filed September 22, 2000
		First Named Inventor Mark E. Kriegsman and Benjamin W. Wyckoff	
March 29, 2006 Date of Deposit _____ Signature		Art Unit 2141	Examiner Djenane M. Bayard
Irja Zarembok Typed or Printed Name of Person Signing Certificate			

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
    is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record 41,942
                        (Reg. No.)

☐ attorney or agent acting under 37 CFR 1.34.
    Registration number if acting under 37 CFR 1.34

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Signature

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Typed or printed name

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Telephone number

March 29, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below'.

☐ Total of no. forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Mark E. Kriegsman and	Art Unit	: 2141
	Benjamin W. Wyckoff	Examiner	: Djenane M. Bayard
Serial No.	: 09/668,110		
Filed	: September 22, 2000		
Title	: SERVING DYNAMIC WEB-PAGES		

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Alexandria, VA 22313-1450

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PRE-APPEAL CONFERENCE BRIEF
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Applicant submits that there has been a clear factual error in the consideration of *Challenger*. In particular, Applicant submits that a careful reading of *Challenger* will reveal that the slave trigger monitor does not execute on a remote node **3108** at all. In fact, the slave trigger monitor, like any trigger monitor, executes on the data server node **3102**.

Section 102 rejection

In rejecting claim 1, the Examiner appears to map the claimed "cache servers" to the *Challenger* remote nodes **3108**. Therefore, to anticipate claim 1, *Challenger* must at least teach "implementing programmable rules executing on each of " these remote nodes **3108**.

The Examiner suggests that this teaching occurs in a discussion at col. 30, lines 31-50. This discussion refers to a "slave trigger monitor" that executes on a "configured node." Although *Challenger* describes remote nodes **3108** and data server nodes **3102**, he never explicitly defines "configured node." The challenge, then, is to determine whether *Challenger*'s "configured node" is more like a "remote node" or a "data server node".

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The Examiner's position appears to be that a "configured node" is really the same as a "remote node." It is here that the Examiner has made a clear factual error. In fact, a "configured node" actually means a "data server node **3102**" and not a "remote node **3108**."

According to *Challenger*, there are two types of trigger monitor: a "master trigger monitor," which is described beginning on col. 29, line 14 and shown on FIG. 30B, and a "slave trigger monitor," which is described beginning with the cited passage and shown in FIG. 30C.

Since a slave trigger monitor is merely another type of trigger monitor, it follows that the properties of the slave trigger monitor must be the same as those of any other trigger monitor, unless *Challenger* says otherwise.

It is clear from FIG. 30A that a trigger monitor **3000** executes on the data server node **3102** and *not* on the remote nodes **3108**. Therefore, the "slave trigger monitor", which after all is simply a type of trigger monitor **3000**, *also* executes on the data server node **3102**, and *not* on the remote node **3108**. Thus, as used in the cited passage, "configured node" must mean a node that is configured as a data server node **3102**.

This conclusion, that the configured node is none other that the data server node, is also supported by FIG. 30C, to which the Examiner's cited passage refers.

In particular, Applicant draws attention to the box labeled "To Other Nodes" with reference numeral **3108** in the upper left corner of FIG. 30C. This clearly refers to the remote nodes **3108** in FIG. 30A. The portion of FIG. 30C labeled **3000**, which corresponds to the trigger monitor **3000** in FIG. 30A, is depicted as *separate from* the remote nodes **3108**. Additionally, this trigger monitor **3000** is shown as communicating with cache manager **3001**, which according to FIG. 30A is in the data server node **3102**, and not in the remote node **3108**.

The conclusion drawn from FIG. 30C is inescapable: the slave trigger monitor, which is after all a type of trigger monitor, executes on the data server node **3102**, and not on a remote node **3108**.

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As further support for the proposition that the slave trigger monitor, like any trigger monitor, executes on the data server node **3102**, Applicant draws attention to *Challenger* claim 1, which recites:

> communicating to said plurality of caches, one or more of: information about ..., <u>the step of communicating being initiated other than by the plurality of caches</u>;

The language of this claim is consistent with the notion that the trigger monitor, whether it be master or slave, executes on the data server node **3102** and not on a remote node **3108**.

It is apparent, therefore, that the slave trigger monitor to which the Examiner refers in the previous action, executes on a data server node, just like any other trigger. Accordingly, the section 102 rejection is erroneous and should be withdrawn.

Applicant encloses a check for the notice of appeal and a petition for extension of time. No additional fees are believed to be due in connection with the filing of this pre-appeal conference brief. However, to the extent fees are due, of if a refund is forthcoming, please adjust our deposit account 06-1050 referencing attorney docket "11125-014001."

Respectfully submitted,

Date: 3/29/06

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